

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

THE ESTATE OF ROBERT LEE)	
BROWN, Norman Laister,)	
Administrator ad Litem,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:17cv634-MHT
)	(WO)
SHERWOOD BRITT COX and)	
DAYBREAK EXPRESS INC.,)	
)	
Defendants.)	

JUDGMENT

In accordance with the memorandum opinion entered today, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) By the agreement of the parties, the United States Magistrate Judge's recommendation (doc. no. 58) is adopted to the extent that it recommends that defendants' motion for partial summary judgment (doc. no. 48) be granted, but the court does not adopt the recommendation's reasoning.

(2) Defendants' motion for partial summary judgment (doc. no. 48) is granted as to all claims except Counts

One (negligence and wantonness), Five (respondeat superior), and Nine (to the extent Count Nine's wrongful death claim is based on the claims raised in Counts One and Five).

(3) Judgment is entered in favor of defendants and against plaintiff, with plaintiff taking nothing by his complaint as to Counts Two, Three, Four, Six, Seven, Eight, and the Nine (only to the extent Count Nine's wrongful death claim is based on the claims raised Counts Two, Three, Four, Six, Seven, and Eight).

It is further ORDERED that costs are taxed against plaintiff, for which execution may issue.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is not closed, and will proceed to trial on Counts One, Five, and Nine as stated above.

DONE, this the 8th day of March, 2019.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE